

4-4-07

DHC

|  |                                     |
|--|-------------------------------------|
| <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT<br/>ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b> | Docket Number (Optional)<br>10.0815 |
|--|-------------------------------------|

First named inventor: Peter B. EVERDELL  
Application No.: 09/838,320 Art Unit: 2141  
Filed: April 19, 2001 Examiner: Kenneth R. Coulter  
Title: NETWORK DEVICE INCLUDING DEDICATED RESOURCES CONTROL PLANE

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents 04/05/2007 SSESHE1 00000007 09838320  
P.O. Box 1450 01 FC:1453 1500.00 OP  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

- NOTE: A grantable petition requires the following items:
- (1) Petition fee;
  - (2) Reply and/or issue fee;
  - (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
  - (4) Statement that the entire delay was unintentional.

1. Petition fee  
☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee  
A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):  
☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.  
B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_  
☒ has been paid previously on January 17, 2007  
☐ is enclosed herewith.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

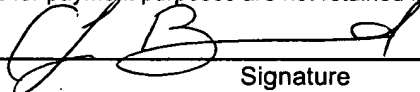
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

April 2, 2007  
Date

Christopher L. Bernard  
Typed or printed name

48,234  
Registration Number, if applicable

1901 Roxborough Road; Suite 300  
Address

704.366.6642  
Telephone Number

Charlotte, North Carolina 28211  
Address

Enclosures: ☒ Fee Payment ~~(Petition)~~

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Replacement Drawings; 3A, 3B, 3C, 26, 29, and 31C

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

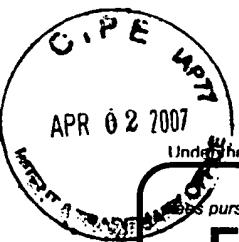
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

April 2, 2007  
Date

  
Signature

Barbara C. Brown  
Typed or printed name of person signing certificate



Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,500)

**Complete if Known**

|                      |                          |
|----------------------|--------------------------|
| Application Number   | 09/838,320               |
| Filing Date          | April 19, 2001           |
| First Named Inventor | Peter B. EVERDELL et al. |
| Examiner Name        | Kenneth R. Coulter       |
| Art Unit             | 2141                     |
| Attorney Docket No.  | 10.0815                  |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 50       | 25                    |
| 200      | 100                   |
| 360      | 180                   |

Each independent claim over 3 (including Reissues)

Multiple dependent claims

|                |              |          |               |
|----------------|--------------|----------|---------------|
| Total Claims   | Extra Claims | Fee (\$) | Fee Paid (\$) |
| - 20 or HP = 0 | x 0          | = 0      |               |

HP = highest number of total claims paid for, if greater than 20.

|               |              |          |               |
|---------------|--------------|----------|---------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| - 3 or HP = 0 | x 0          | = 0      |               |

HP = highest number of independent claims paid for, if greater than 3.

|                           |          |               |
|---------------------------|----------|---------------|
| Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|                           |          |               |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|              |              |  |          |               |
|--------------|--------------|--|----------|---------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| - 100 = 0    | / 50 = 0     | (round up to a whole number) x 0                 | = 0      |               |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Petition for Revival of Application for Patent Abandoned Unintentionally-Lg. Entity \$1,500

**SUBMITTED BY**

|                   |                        |                                   |               |           |              |
|-------------------|------------------------|-----------------------------------|---------------|-----------|--------------|
| Signature         |                        | Registration No. (Attorney/Agent) | 48,234        | Telephone | 704.366.6642 |
| Name (Print/Type) | Christopher L. Bernard | Date                              | April 2, 2007 |           |              |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

09/838,320

Filing Date

April 19, 2001

First Named Inventor

Peter B. EVERDELL et al.

Art Unit

2141

Examiner Name

Kenneth R. Coulter

Attorney Docket Number

10.0815

**ENCLOSURES (Check all that apply)**

|  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Drawing(s) - 06 Replacement Sheets<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below): |
| <b>Remarks</b><br>1. Petition for Revival of an Application for Patent Abandoned<br>Unintentionally Under 37 CFR 1.137(b) - 2 pages<br>2. Return Receipt Postcard<br>3. Express Mail Certificate   |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                        |          |        |
|--------------|------------------------|----------|--------|
| Firm Name    | CLEMENTS WALKER        |          |        |
| Signature    |                        |          |        |
| Printed name | Christopher L. Bernard |          |        |
| Date         | April 2, 2007          | Reg. No. | 48,234 |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                  |      |            |
|-----------------------|------------------|------|------------|
| Signature             |                  |      |            |
| Typed or printed name | Barbara C. Brown | Date | 04-02-2007 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



### EXPRESS MAIL CERTIFICATE

Express Mail No.: - EV 942734775 US

Date of Deposit: - April 2, 2007

Type of Document(s): - Transmittal Form (PTO/SB/21)  
- Petition for Revival of an Application for Patent  
Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages)  
- Fee Transmittal (Form 2038) (2 copies)  
- Credit Card (Form 2038)  
- Replacement Drawings (06 Sheets)  
- Postcard Receipt

Application No.: - 09/838,320

Filed: - April 19, 2001

Applicant(s): - Peter B. EVERDELL et al.


Title: - NETWORK DEVICE INCLUDING DEDICATED  
RESOURCES CONTROL PLANE

Examiner: - Kenneth R. Coulter

Art Unit: - 2141

Attorney Docket No.: - 10.0815

I hereby certify that the above-referenced documents are being/have been deposited with the United States Postal Service "Express Mail Post Office to Addressee" in accordance with 37 CFR 1.10 on the above-referenced date and are being/have been addressed to: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 USA.**

  
Barbara C. Brown  
North Carolina State Bar/Certified Paralegal